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US DISTRICT COURT
SAN JUAN, PR

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

INDICTMENT

Criminal No. 20-262 (RAM)

v.

FRANCISCO XAVIER ORTIZ COLON
Defendant.

Violations:
18 U.S.C. § 2251(a) and (e)
18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 2252A(a)(5)(B)
18 U.S.C. § 2422(b)

(Thirteen Counts and Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT ONE

Production of Child Pornography
(Title 18, United States Code, Section 2251(a))

From in or about August, 2019 through in or about October, 2019, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did knowingly employ, use, persuade, induce, entice and coerce a twelve (12) year-old female with initials KMC to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and the visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and (e).

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COUNT TWO

Coercion and Enticement of a Minor
(Title 18, United States Code, Section 2422(b)(2))

From in or about August, 2019 through in or about October, 2019, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did use a facility and means of interstate commerce, that is a cellular phone that was not manufactured in Puerto Rico, as well as internet instant messaging services and social media, to knowingly persuade, induce, entice, and coerce a minor, that is, a twelve (12) year-old female with initials KMC, to engage in sexual activity, and to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, for which the defendant could be charged with a criminal offense under the laws of the United States of America and Puerto Rico.

All in violation of Title 18, United States Code, Section 2422(b)(2).

COUNT THREE

Coercion and Enticement of a Minor
(Title 18, United States Code, Section 2422(b)(2))

From on or about February 28, 2020 through on or about March 3, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did use a facility and means of interstate commerce, that is a cellular phone that was not manufactured in Puerto Rico, as well as internet instant messaging services and social media, to

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knowingly persuade, induce, entice, and coerce a minor, that is, an eleven (11) year-old female with initials APR, to engage in sexual activity, and to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, for which the defendant could be charged with a criminal offense under the laws of the United States of America and Puerto Rico. All in violation of Title 18, United States Code, Section 2422(b)(2).

COUNT FOUR
Production of Child Pornography
(Title 18, United States Code, Section 2251(a))

From on or about February 28, 2020 through on or about March 3, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did knowingly employ, use, persuade, induce, entice and coerce an eleven (11) year-old female with initials APR to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that were mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer. All in violation of Title 18, United States Code, Section 2251(a) and (e).

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COUNT FIVE
Coercion and Enticement of a Minor
(Title 18, United States Code, Section 2422(b)(2))

From on or about April 16, 2020 through on or about May 9, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did use a facility and means of interstate commerce, that is a cellular phone that was not manufactured in Puerto Rico, as well as internet instant messaging services and social media, to knowingly persuade, induce, entice, and coerce a minor, that is, a fourteen (14) year-old female with initials DAR, to engage in sexual activity, and to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, for which the defendant could be charged with a criminal offense under the laws of the United States of America and Puerto Rico. All in violation of Title 18, United States Code, Section 2422(b)(2).

COUNT SIX
Production of Child Pornography
(Title 18, United States Code, Section 2251(a))

From on or about April 16, 2020 through on or about May 9, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did knowingly employ, use, persuade, induce, entice and coerce a fourteen (14) year-old female with initials DAR to engage in sexually explicit conduct for the purpose of producing a visual

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depiction of such conduct, using materials that were mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer. All in violation of Title 18, United States Code, Section 2251(a) and (e).

COUNT SEVEN
Production of Child Pornography
(Title 18, United States Code, Section 2251(a))

From on or about April 16, 2020 through on or about May 9, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did knowingly employ, use, persuade, induce, entice and coerce a nine (9) year-old female with initials AMR to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that were mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer. All in violation of Title 18, United States Code, Section 2251(a) and (e).

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COUNT EIGHT
Coercion and Enticement of a Minor
(Title 18, United States Code, Section 2422(b)(2))

From on or about March 4, 2020 through on or about March 9, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did use a facility and means of interstate commerce, that is a cellular phone that was not manufactured in Puerto Rico, as well as internet instant messaging services and social media, to knowingly persuade, induce, entice, and coerce a minor, that is, a fourteen (14) year-old female with initials ACM, to engage in sexual activity, and to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, for which the defendant could be charged with a criminal offense under the laws of the United States of America and Puerto Rico.

All in violation of Title 18, United States Code, Section 2422(b)(2).

COUNT NINE
Production of Child Pornography
(Title 18, United States Code, Section 2251(a))

From on or about March 4, 2020 through on or about March 9, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did knowingly employ, use, persuade, induce, entice and coerce a fourteen (14) year-old female with initials ACM to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that were mailed, shipped and transported in and

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affecting interstate and foreign commerce by any means including by computer. All in violation of Title 18, United States Code, Section 2251(a) and (e).

COUNT TEN
Coercion and Enticement of a Minor
(Title 18, United States Code, Section 2422(b)(2))

On or about January, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did use a facility and means of interstate commerce, that is a cellular phone that was not manufactured in Puerto Rico, as well as internet instant messaging services and social media, to knowingly persuade, induce, entice, and coerce a minor, that is, a twelve (12) year-old female with initials KDR, to engage in sexual activity, and to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, for which the defendant could be charged with a criminal offense under the laws of the United States of America and Puerto Rico.

All in violation of Title 18, United States Code, Section 2422(b)(2).

COUNT ELEVEN
Production of Child Pornography
(Title 18, United States Code, Section 2251(a))

In or about January, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

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did knowingly employ, use, persuade, induce, entice and coerce a twelve (12) year-old female with initials KDR to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that were mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer. All in violation of Title 18, United States Code, Section 2251(a) and (e).

COUNT TWELVE
Receipt of Child Pornography
(Title 18, United States Code, Section 2252A(a)(2))

From in or about August, 2019 through in or about May, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means and facility of interstate and foreign commerce and that has been mailed, shipped and transported in or affecting interstate and foreign commerce, by any means, including by computer, that is: the defendant received images depicting actual minor females engaged in sexually explicit conduct via internet instant messaging services and social media messages using his cellular phones, which were manufactured outside of Puerto Rico. All in violation of Title 18, United States Code, Section 2252A(a)(2).

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COUNT THIRTEEN
Possession of Child Pornography
(Title 18, United States Code, Section 2252A(a)(5)(B))

From in or about August, 2019 through on or about June 10, 2020, in the District of Puerto Rico and within the jurisdiction of this court, the defendant,

FRANCISCO XAVIER ORTIZ COLON,

knowingly possessed at least one matter containing one or more images of child pornography, as defined in Title 18, United States Code, Section 2256(8), including images of a prepubescent minor or a minor who has not attained twelve (12) years of age, such child pornography having been shipped and transported using a means and facility of interstate and foreign commerce, and in or affecting interstate and foreign commerce, and having been produced using materials which had been mailed and so shipped and transported, by any means, including by computer, that is: the defendant possessed still images depicting minors engaged in sexually explicit conduct on his cellular phones. All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

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FORFEITURE ALLEGATION

The allegations of this Indictment are re-alleged as if fully set forth herein, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

If convicted of the offenses set forth above, **FRANCISCO XAVIER ORTIZ COLON**, the defendant herein, shall forfeit to the United States any and all materials or property used or intended to be used in the production, possession, receipt, distribution, or transportation of child pornography. Such property includes, but is not limited to the following items found in his possession on June 10, 2020: a Samsung cellphone, Model: SM-S260 DL, IMEI: 353689105696549, S/N: RF8M61QBADB and LG cellphone, Model: LML413DL, S/N: 804VTFW0145523. All pursuant to Title 18, United States Code, Section 2253.

W. STEPHEN MULDROW
United States Attorney

TRUE BILL,

C. Cannon
Nicholas W. Cannon
Chief, Child Exploitation and
Immigration Unit

Foreperson
Date: *19-Aug-2020*

J. Hernandez-Vega
Jenifer Y. Hernández-Vega
Assistant U.S. Attorney

TRH.